

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

<p>STEPHANIE AMANDA SCHURMAN,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> <p>PAYER and YANKTON COUNTY JAIL,</p> <p style="text-align: center;">Respondents.</p>	<p style="text-align: center;">4:21-CV-04059-KES</p> <p style="text-align: center;">ORDER GRANTING PETITIONER'S MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL</p>
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Petitioner, Stephanie Amanda Schurman, filed a pro se petition for writ of habeas corpus under 28 U.S.C. § 2254. Docket 1. This court adopted the Magistrate Judge's report and recommendation and entered judgment in favor of respondents. Dockets 22, 23. After judgment was entered, Schurman filed her objections. Docket 24. Schurman's objections are untimely filed and overruled.

She filed a notice of appeal and moves for leave to proceed in forma pauperis. Dockets 25, 26. The filing-fee provisions of the Prison Litigation Reform Act do not apply to habeas corpus actions. *Malave v. Hedrick*, 271 F.3d 1139, 1140 (8th Cir. 2001). To determine whether a habeas petitioner qualifies for in forma pauperis status, the court need only assess (1) whether the petitioner can afford to pay the full filing fee, and (2) whether the petitioner's appeal is taken in "good faith." 28 U.S.C. § 1915(a)(1), (3). Schurman's appeal appears to be taken in good faith. After review of her financial affidavit (Docket

26), this court finds that Schurman has insufficient funds to pay the \$505.00 appellate filing fee.

Thus, is it ORDERED:

1. That Schurman's objections (Docket 24) are overruled.
2. That Schurman's motion for leave to proceed in forma pauperis on appeal (Docket 26) is granted.

Dated July 21, 2021.

BY THE COURT:

/s/ *Karen E. Schreier*

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE